LOS ANGELES WATERKEEPER®

March 9, 2015

VIA CERTIFIED MAIL

A and A Metal Recycling, Inc.
2821 East Washington Boulevard
Los Angeles, California 90023

Sindy Cardona
Owner, Operator, and President
A and A Metal Recycling Inc.
652 East 83rd Street
Los Angeles, CA 90001

Sindy Cardona
Owner, Operator, and President
A and A Metal Recycling Inc.
2821 East Washington Boulevard
Los Angeles, California 90023

VIA UNITED STATES MAIL

Sindy Cardona Escobar
Registered Agent, A and A Metal Recycling, Inc.
2821 East Washington Boulevard
Los Angeles, California 90023

2821 Washington LLC
C/O Michael Meraz
Property Owner of 2821 E Washington Blvd.
2222 East Washington Blvd.
Los Angeles, California 90021

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") in regard to violations of the Clean Water Act[1] and California's Storm Water Permit[2] occurring at the A and A Metal Recycling Facility, also known as KSI Metals, located at 2821 East Washington Boulevard, Los Angeles, California 90001 ("A and A Facility"). The purpose of this letter is to put the Owners and/or Operators of the A and A Facility[3] on notice of the violations of the Storm Water Permit occurring at the A and A Facility, including, but not limited to, violations caused by discharges of polluted storm water from the A and A Facility into local surface waters and the failure to comply with the substantive and procedural requirements of the Storm Water Permit. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the A and A Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

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[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.
[3] The A and A Facility's Owner(s) and/or Operator(s) are described in detail in Section I.B below.

Waterkeeper has obtained via Public Records Act requests documents and information relating to the A and A Facility, including documents submitted by the A and A Facility Owners and/or Operators to the Los Angeles Regional Water Quality Control Board ("Regional Board"). Waterkeeper has also visually observed the industrial activities at the A and A Facility and conducted sampling of storm water discharges from a discharge point at the facility. The violations of the Storm Water Permit and the Clean Water Act at the A and A Facility described herein are based on Waterkeeper's review of the Regional Board documents and information, as well as Waterkeeper's observations and sampling data.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the chief administrative officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation.[4]

By this letter ("Notice Letter"), issued pursuant to 33 U.S.C. §§1365(a) and (b) of the Clean Water Act, Waterkeeper puts the A and A Facility Owner(s) and/or Operator(s) on notice that, after the expiration of sixty (60) days from the date of this letter, Waterkeeper intends to file an enforcement action in Federal court against them for violations of the Storm Water Permit and the Clean Water Act.

I. Background

A. Los Angeles Waterkeeper

Los Angeles Waterkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, California 90401. Founded in 1993, Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles area. Waterkeeper is dedicated to the preservation, protection, and defense of the rivers, creeks and coastal waters of Los Angeles County from all sources of pollution and degradation. To further this mission, Waterkeeper actively seeks federal and state implementation of the Clean Water Act. Where necessary, Waterkeeper directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper reside in Los Angeles County, near the Los Angeles River and the Los Angeles Estuary. As explained in detail below, the owners and/or operators of the A and A Facility have continuously discharged pollutants into the Los Angeles River, which flows into the Los Angeles River Estuary, the Los Angeles/Long Beach Harbor, the San Pedro Bay, the Long Beach City Beach, and the Pacific Ocean (collectively "Receiving Waters"), in violation of the Clean Water Act and the Storm Water Permit. Waterkeeper members use these waters and beaches to swim, boat, and kayak. Waterkeeper members also use the path alongside the Los

[4] 40 C.F.R. § 135.2(a)(1).

Angeles River to bird watch, view wildlife, hike, bike, walk, and run. Additionally, Waterkeeper members use these waters to engage in scientific study through pollution and habitat monitoring and restoration activities, including Waterkeeper's Marine Program, Kelp Restoration Project, Marine Protected Areas Watch Project, Watershed Program, and Drain Watch Program. The unlawful discharge of pollutants from the A and A Facility into the Receiving Waters impairs Waterkeeper members' use and enjoyment of these waters. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by the A and A Facility Owners' and/or Operators' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Owners and/or Operators of the A and A Facility

Industrial dischargers, such as the A and A Owners and/or Operators, are required to submit a Notice of Intent ("NOI") to obtain Storm Water Permit coverage to the State Water Resources Control Board ("State Board").[5] The A and A Owners and/or Operators submitted to the State Board an NOI, dated April 20, 2012 ("A and A NOI"). The State Board confirmed receipt of the A and A NOI on May 11, 2012 ("NOI Receipt"). The NOI Receipt identifies the operator of the A and A Facility as "Sindy Cardona" and the facility name and location as "A and A Metal Recycling Inc., 2821 E Washington Blvd., Los Angeles, CA 90023."

Information available to Waterkeeper indicates that the A and A Facility is owned and/or operated by A & A Metal Recycling, Inc. and Sindy Cardona Escobar. According to the Secretary of State's website, A & A Metal Recycling, Inc., is an active corporation registered in California under entity number "C3283378." The Registered Agent for A & A Metal Recycling, Inc., is Sindy Cardona Escobar, 2821 E Washington Blvd., Los Angeles, California 90023. The A and A Facility's Storm Water Pollution Prevention Plan, dated June 11, 2014,[6] ("A and A SWPPP") lists Sindy Cardona as President of A & A Metal Recycling, Inc. The SWPPP also lists Sindy Cardona as being responsible to "[e]nsure that SWPPP is being properly implemented constantly reviewing employee performance and conducting inspections." Waterkeeper refers to A & A Metal Recycling, Inc., and Sindy Cardona, as the "A and A Facility Owners and/or Operators."

As explained herein, the A and A Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

C. Storm Water Pollution and the Receiving Waters

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the A and A Facility pour into storm drains and the local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of

[5] Finding 3, Storm Water Permit.
[6] Although the SWPPP has a June 11, 2014 date on it, the 2013-2014 Annual Report that was submitted on August 11, 2014, states "We do not have a SWPPP."

downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from scrap metal recycling facilities, such as the A and A Facility, contain pollutants such as: oil (including hydraulic and gear-oil) and grease ("O&G"); fuel; antifreeze; brake fluid; battery acid; gasoline, diesel and other petroleum products; solvents; detergents; paint; other hazardous waste fluids; substances affecting Biochemical Oxygen Demand ("BOD") and Chemical Oxygen Demand ("COD"); pH-affecting substances; total suspended solids ("TSS"); trash; plastics; pathogens (including bacteria); mercury; silver; chromium; cadmium; and heavy metals such as copper, iron, lead, aluminum, and zinc. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water and non-storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically altered the natural ecosystem, the Receiving Waters are still essential habitat for dozens of fish and bird species, as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of the Receiving Waters for water contact sports and fishing exposes many people to toxic metals, pathogens and bacteria, and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The Regional Board issued the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura County* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of the portions of the Los Angeles River Watershed (including the Receiving Waters) that receive polluted storm water discharges from the A and A Facility. These Beneficial Uses include: water contact recreation ("REC 1"), non-contact water recreation ("REC 2"), warm freshwater habitat ("WARM"), ground water recharge ("GWR"), wildlife habitat ("WILD"), wetland ("WET"), estuarine habitat ("EST"), industrial service supply ("IND"), navigation ("NAV"), marine habitat ("MAR"), commercial fishing ("COMM"), rare, threatened, or endangered ("RARE"), migration of aquatic organisms ("MIGR"), and spawning, reproduction and/or early development ("SPWN"). *See* Basin Plan, Table 2-1. According to the 2010 303(d) List of Impaired Water Bodies, Reaches 1 and 2 of the Los Angeles River are impaired by pollutants such as pH, cyanide, diazinon, lead, nutrients, ammonia, cadmium, coliform bacteria, copper, trash, zinc, and oil.[7] The Los Angeles River Estuary is impaired by, among other pollutants, chlordane, sediment toxicity, and trash.[8] The Los Angeles/Long Beach Harbor is

[7] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on February 20, 2015).
[8] *Id.*

impaired by at least chrysene, copper, sediment toxicity, mercury, and zinc.[9] The San Pedro Bay is impaired by sediment toxicity, and the Long Beach City Beach, one of the San Pedro Bay beaches, is impaired by indicator bacteria.[10] Polluted discharges from the A and A Facility cause and/or contribute to the degradation of these already impaired surface waters, beaches, and aquatic dependent wildlife. The pollutants discharged into Reaches 1 and 2 of the Los Angeles River flow to the Pacific Ocean via the Los Angeles River Estuary, Los Angeles/Long Beach Harbor, and San Pedro Bay. For the Los Angeles area aquatic ecosystem to regain its health, contaminated storm water discharges, including those from the A and A Facility, must be eliminated.

D. A and A Facility Site Description

The A and A Facility is a metal recycling facility that has been in operation since at least 2009. The A and A NOI states that the A and A Facility is 20,900 sq. ft. in size. The A and A NOI also states that 0% of the site consists of impervious surfaces, but the SWPPP lists the site as 100% paved. Based on the information available to Waterkeeper, the Facility's only overhead structures are the office, employee locker room, and scale house. The remainder of the A and A Facility is uncovered.

The A and A Facility is open to the public for receiving ferrous and non-ferrous metals as well as radiators, batteries, motors, automotive tires, automotive brake pads, insulated wires, electronic scrap, computer scrap, and vehicle waste fluids such as oil and hydraulic fluids. The various wastes and recyclable materials are sorted outdoors and stored in uncovered piles and containers.

1. A and A Facility Industrial Activities and Pollutant Sources

The A and A NOI states the A and A Facility WDID number as "4 19I023633" and the Standard Industrial Classification ("SIC") code of regulated activity as "5093" (Scrap and Waste Materials). However, based on information available to Waterkeeper, the A and A Facility also conducts regulated industrial activities, such as the handling and storage of hazardous wastes, including vehicle waste fluids, that are classified under SIC code 4953 (Hazardous Waste Treatment, Storage, or Disposal).

Sources of pollutants associated with the industrial activities at the A and A Facility include, but are not limited to: loading and unloading areas; sorting areas; material processing areas; hazardous waste storage areas; parking areas; appliance storage areas; uncovered roll-off boxes, dumpsters, or other containers; uncovered piles of materials; the on-site buildings and overhead structures; and on-site material handling equipment such as grinders, balers, forklifts, tractors, and trucks.

Information available to Waterkeeper indicates that materials collected at the A and A

[9] *Id.*
[10] *Id.*

Facility are stored outdoors and near the driveway leading from the A and A Facility to East Washington Boulevard, without adequate cover or containment to prevent storm water exposure to these pollutant sources. Additionally, various waste and recyclable materials are scattered around the Facility's grounds, without any form of containment. Further, the A and A Facility does not have adequate secondary containment or other measures to prevent polluted storm water and prohibited non-storm water discharges from the A and A Facility.

2. A and A Facility Pollutants and Discharge Points

The pollutants associated with operations at the A and A Facility include, but are not limited to: trash; plastics; pathogens (including bacteria); oil and grease from waste materials being recycled at the facility and from leaks and spills of equipment and machinery used at the facility; gasoline, diesel and other petroleum products used at the facility; lubricants; coolants; battery acid; other hazardous wastes; heavy metals such as aluminum, copper, iron, lead, zinc, and nickel; substances affecting Biochemical Oxygen Demand, Chemical Oxygen Demand, and pH; and suspended solids from the recycled wastes or from the operations at the Facility.

The SWPPP identifies one discharge point as being located at the south entrance driveway. Based on Waterkeeper's observations, there is at least one discharge point from the A and A Facility located at the Facility's driveway on East Washington Boulevard.

II. Violations of the Clean Water Act and the Storm Water Permit

A. Failure to Comply with Notice of Intent Requirements in Violation of Provision E(1) of the Storm Water Permit

Section 301(a) of the Clean Water Act prohibits the discharge of a pollutant into navigable waters except as in compliance with specified sections of the Act, including section 402. 33 U.S.C. § 1311(a). Section 402(p) establishes a framework for regulating industrial storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. *See id.* at §1342(p). In order to lawfully discharge storm water in California, certain industrial operations must obtain coverage under the NPDES General Storm Water Permit and comply with its terms, or obtain and comply with an individual NPDES permit. *Id.* at §1342. Scrap recycling (SIC Code 5093) and hazardous waste storage and/or disposal (SIC code 4953) are specifically covered under the Storm Water Permit and operators carrying out these activities must comply with the requirements and effluent limitations of the Storm Water Permit. *See* Storm Water Permit, Attachment 1.

The Storm Water Permit allows facilities with co-located industrial activities to include those activities in the same NOI. Storm Water Permit, Provision E(7). However, the NOI must identify the SIC codes and titles of the industrial activities that require the Owner and/or Operator to submit the NOI. *See* Storm Water Permit, Attachment 3 (NOI Instructions), Section III, Parts D and E; Storm Water Permit, Provision E(7). Industrial facilities engaged in activities under SIC code 4953 (hazardous waste treatment, storage, and/or disposal) are required to file an NOI and obtain coverage under the Storm Water Permit. *See id* at Attachment 1. The A and A

SWPPP indicates that the A and A Facility Owners and/or Operators conduct activities at the Facility which subject it to SIC codes 4953, including the storage of hazardous waste fluids, but the A and A Facility Owners and/or Operators failed to identify the associated SIC code in the A and A NOI. The A and A NOI lists SIC code 5093 as the only SIC code applicable to the industrial activities conducted at the A and A Facility. Accordingly, by conducting activities subject to SIC codes 4953, the A and A Facility Owners and/or Operators are in ongoing violation of the Storm Water Permit's NOI requirements and Provision E(1).[11] *See* Storm Water Permit, Provisions E(1); Storm Water Permit, Attachment 3 (NOI Instructions), Section III.

Additionally, the Storm Water Permit requires that the A and A Owners and/or Operators provide the name of the receiving water where storm water discharge flows from the Facility. *See* Storm Water Permit, Provisions E(1); Storm Water Permit, Attachment 3 (NOI Instructions), Section VI. The A and A NOI states that the receiving water for the A and A Facility's storm water discharge is Compton Creek. However, the Los Angeles County Department of Public Works' Los Angeles County Storm Drain System map depicts the Los Angeles River as the receiving water for the A and A Facility's storm water discharges.[12] Therefore, the A and A Owners and/or Operators are in ongoing violation of the Storm Water Permit's NOI requirements and Provision E(1) for failing to accurately state the receiving water for the A and A Facility's storm water discharges in the A and A NOI. *Id.*

Information available to Waterkeeper indicates that the A and A Owners and/or Operators are in violation of the Storm Water Permit by, at a minimum, failing to accurately state the name of the receiving water and failing to include all regulated industrial activities conducted at the A and A Facility in the A and A NOI. Every day the A and A Facility Owners and/or Operators operate the A and A Facility without an NOI that accurately reflects the A and A Facility and its operations is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The A and A Facility Owners and/or Operators have been in daily and continuous violation of the requirement to comply with the Storm Water Permit every day since obtaining coverage under the Storm Water Permit on April 20, 2012. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available. The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

B. Discharges of Polluted Storm Water from the A and A Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit

As explained herein, the A and A Facility Owners and/or Operators have violated and continue to violate the Storm Water Permit's Effluent Limitation (B)(3). Effluent Limitation (B)(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated

[11] The A and A Facility Owners and/or Operators' failure to properly identify all industrial activities occurring at the A and A Facility has resulted in violations of the Storm Water Permit and the Clean Water Act described in Sections II.B and II.C below.

[12] Los Angeles County Department of Public Works' Los Angeles County Storm Drain System, available at http://dpw.lacounty.gov/fcd/stormdrain/index.cfm (searched address "2821 East Washington Blvd;" last accessed February 20, 2015).

with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants[13] and best conventional pollutant control technology ("BCT") for conventional pollutants.[14] Information available to Waterkeeper, including observations of the A and A Facility, demonstrate that the A and A Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the A and A Facility that achieve compliance with the BAT/BCT standards.

Further, the A and A Facility's discharges exceed EPA Benchmarks for numerous pollutants. Those EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.[15] Yet, the A and A Facility Owners and/or Operators have failed and continue to fail to fully implement basic BMPs to reduce or prevent pollutants in the A and A Facility's storm water discharges.

As explained in detail below, Waterkeeper puts the A and A Facility Owners and/or Operators on notice that they violate Effluent Limitation B(3) of the Storm Water Permit every time they discharge storm water from the A and A Facility without BMPs that achieve BAT/BCT. *See*, e.g., Exhibit A (setting forth dates of discharges). [16] These discharge violations are ongoing and will continue every time the A and A Facility Owners and/or Operators discharge storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time the A and A Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

1. Failure to Implement BMPs that Achieve Compliance with BAT/BCT Standards

The information available to Waterkeeper indicates that the A and A Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the A

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[13] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

[14] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, O&G, pH, and fecal coliform.

[15] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)*, as modified effective May 27, 2009 ("Multi-Sector Permit").

[16] Exhibit A sets forth the dates in which 0.1 inches or greater of rainfall was documented by the County of Los Angeles Department of Public Works (DPW) at DPW's rain gauge nearest to the A and A Facility. At a minimum, the A and A Facility Owners and/or Operators violated Effluent Limitation B(3) of the Storm Water Permit on those dates. While 0.1 inches is considered by EPA and delegated state agencies as sufficient to produce a discharge, Waterkeeper puts the A and A Facility Owners and/or Operators on notice that they violate Effluent Limitation B(3) every time they discharge storm water from the A and A Facility without BMPs that achieve BAT/BCT, regardless of whether the relevant storm event produces 0.1 inches or greater of rainfall. *See* Order 2014-0057-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit Fact Sheet for Storm Water Discharges Associated with Industrial Activities, NPDES NO. CAS000001* ("2014 IGP Fact Sheet"), 50.

and A Facility that achieve compliance with BAT/BCT standards. Specifically, at the A and A Facility piles of waste and recyclable materials, including appliances, vehicle components and tires, electronic waste, and various metals are processed and stored outdoors without cover or containment near driveways leading to East Washington Boulevard; all separation and dismantling are conducted outdoors; equipment and machinery are stored outdoors without cover or containment; hazardous waste fluids are stored outdoors; and there are no sediment control devices to prevent pollutants from being tracked off the facility by vehicles exiting through the facility's driveway. Those practices demonstrate the A and A Facility Owners' and/or Operators' failure to achieve compliance with BAT/BCT standards by implementing basic BMPs such as housekeeping; overhead roofs or cover over material handling, processing, and storage areas; isolation of equipment and machinery from rain; and sediment and tracking controls to retain sediment on site.

2. Exceedances of EPA Benchmarks

Consistent with the A and A Facility's lack of basic BMPs, the analytical results of storm water sampling conducted by Waterkeeper in the 2012-2013, 2013-2014 and 2014-2015 demonstrate that storm water discharges from the A and A Facility contain concentrations of pollutants above the EPA Benchmarks. Discharges were sampled at the A and A Facility's driveway leading to East Washington Boulevard. The repeated and significant exceedances of EPA Benchmarks set out below confirm and further demonstrate that the A and A Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the A and A Facility as required to achieve compliance with the BAT/BCT standards.

Table 1: Sampling Data 2014-2015 Wet Season

Date of Sample	Sample Location[17]	Constituent	EPA Benchmark[18]	Sample Value[19]	Magnitude of Exceedance[20]
12/12/2014	Washington Blvd.	TSS	100	140	1.4
12/12/2014	Washington Blvd.	COD	120	330	2.75
12/12/2014	Washington Blvd.	Aluminum	.75	4.5	6

[17] The sample location for all samples labeled "Washington Blvd." is the A and A Facility's driveway leading to East Washington Blvd.

[18] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)*, as modified effective May 27, 2009 ("Multi-Sector Permit"). EPA Benchmark Values for all constituents in the tables in this Notice Letter are measured in units of mg/L, except specific conductance, which is measured in umhos/cm, and pH, which is measured in s.u. Certain pollutants, including copper, lead, zinc, silver, and cadmium are water hardness dependent. The listed EPA Benchmarks for hardness dependent pollutants are based on a hardness of 75-100 mg/L. *See* Multi-Sector Permit, J-2 (Appendix J); *see also Total Maximum Daily Loads for Metals, Los Angeles River and Tributaries*, Staff Report, California Regional Water Quality Control Board, Los Angeles Region, June 2, 2005, 27 (stating that the median hardness of the Los Angeles River is 80 mg/L based upon Los Angeles County Department of Public Works data from Wardlow Station from 1996 to 2002).

[19] Sample values for all constituents in Tables 1, 2, and 3 of this Notice Letter are measured in units of mg/L, except specific conductance, which is measured in umhos/cm, and pH, which is measured in s.u.

[20] The magnitudes of exceedance values in this table and in the subsequent tables were calculated by taking the Sample Value and dividing it by the EPA Benchmark (or CTR criteria in Table 4 below).

12/12/2014	Washington Blvd.	Copper	.0123	.57	46.34
12/12/2014	Washington Blvd.	Iron	1	3.8	3.8
12/12/2014	Washington Blvd.	Lead	.069	.12	1.74
12/12/2014	Washington Blvd.	Zinc	.11	1.3	11.82
12/12/2014	Washington Blvd.	Cadmium	.0018	.023	12.78
12/2/2014	Washington Blvd.	TSS	100	140	1.4
12/2/2014	Washington Blvd.	COD	120	250	2.08
12/2/2014	Washington Blvd.	Aluminum	.75	2.5	3.33
12/2/2014	Washington Blvd.	Copper	.0123	.45	36.59
12/2/2014	Washington Blvd.	Iron	1	4.6	4.6
12/2/2014	Washington Blvd.	Lead	.069	.24	3.48
12/2/2014	Washington Blvd.	Zinc	.11	.69	6.27
12/2/2014	Washington Blvd.	Mercury	.0014	.0015	1.07
12/2/2014	Washington Blvd.	Cadmium	.0018	.0079	43.89
12/2/2014	Washington Blvd.	Magnesium	.064	3.18	49.69

Table 2: Sampling Data 2013-2014 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Magnitude of Exceedance[21]
2/27/2014	Washington Blvd.	SC[22]	200	1300	6.5
2/27/2014	Washington Blvd.	pH	6.0 – 9.0	9.14	N/A
2/27/2014	Washington Blvd.	TSS	100	150	1.5
2/27/2014	Washington Blvd.	O&G	15	30	2
2/27/2014	Washington Blvd.	Copper	.0123	1.1	40.91
2/27/2014	Washington Blvd.	Iron	1	8.4	89.43
2/27/2014	Washington Blvd.	Lead	.069	.46	6.67
2/27/2014	Washington Blvd.	Zinc	.11	1.4	12.73
2/27/2014	Washington Blvd.	Silver	.003	.0036	1.2
2/27/2014	Washington Blvd.	Mercury	.0014	.0059	4.21
2/27/2014	Washington Blvd.	Cadmium	.0018	.018	10
2/27/2014	Washington Blvd.	Magnesium	.064	8.13	127.03

[21] The magnitudes of exceedance values in this table and in the subsequent tables were calculated by taking the Sample Value and dividing it by the EPA Benchmark (or California Toxic Rule criteria in Table 4 below).
[22] "SC" refers to specific conductance.

Table 3: Sampling Data 2012-2013 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Magnitude of Exceedance
3/8/2013	Washington Blvd.	COD	120	480	4
3/8/2013	Washington Blvd.	Copper	.0123	.44	35.77
3/8/2013	Washington Blvd.	Lead	.069	.092	1.33
3/8/2013	Washington Blvd.	Zinc	.11	.64	5.82
3/8/2013	Washington Blvd.	Cadmium	.0018	.016	8.89
3/8/2013	Washington Blvd.	Magnesium	.064	11.1	173.44
1/24/2013	Washington Blvd.	Copper	.0123	.23	18.70
1/24/2013	Washington Blvd.	Zinc	.11	.46	4.18
1/24/2013	Washington Blvd.	Cadmium	.0018	.0061	3.39
1/24/2013	Washington Blvd.	Magnesium	.064	1.75	27.34

C. Discharges of Polluted Storm Water from the A and A Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[23] Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Storm water sampling demonstrates that discharges from the A and A Facility contain elevated concentrations of pollutants such as copper, lead, zinc, mercury, and cadmium, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. The storm water sampling at the A and A Facility also demonstrates that discharges contain concentrations of pollutants that cause or contribute to an exceedance of the applicable WQSs. The table below sets forth the results of sampling conducted by Waterkeeper at the A and A Facility. Each sample result demonstrates violations of Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2).

[23] WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.

Table 4: Sampling Demonstrating Exceedances of Water Quality Standards

Date of Sample	Sample Location[24]	Constituent[25]	CTR Criteria[26]	Sample Value[27]	Magnitude of Exceedance
12/12/2014	Washington Blvd.	Cadmium	3.3	20	6.06
12/12/2014	Washington Blvd.	Copper	10.9	290	26.61
12/12/2014	Washington Blvd.	Zinc	97	1100	11.34
12/12/2014	Washington Blvd.	Mercury	0.051	.79	15.49
12/2/2014	Washington Blvd.	Copper	10.9	160	14.68
12/2/2014	Washington Blvd.	Zinc	97	210	2.16
12/2/2014	Washington Blvd.	Mercury	0.051	1.5	29.41
2/27/2014	Washington Blvd.	Cadmium	3.3	12	3.58
2/27/2014	Washington Blvd.	Copper	10.9	660	60.55
2/27/2014	Washington Blvd.	Lead	50.6	110	2.17
2/27/2014	Washington Blvd.	Zinc	97	490	5.05
2/27/2014	Washington Blvd.	Mercury	0.051	5.9	115.69
3/8/2013	Washington Blvd.	Cadmium	3.3	6.6	1.97
3/8/2013	Washington Blvd.	Copper	10.9	140	192.19
3/8/2013	Washington Blvd.	Zinc	97	360	3.71
3/8/2013	Washington Blvd.	Mercury	0.051	0.78	15.29
1/24/2013	Washington Blvd.	Copper	10.9	190	17.43
1/24/2013	Washington Blvd.	Zinc	97	350	3.61
1/24/2013	Washington Blvd.	Mercury	0.051	0.12	2.35

Waterkeeper puts the A and A Facility Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit are violated each time storm water discharges from the A and A Facility. *See*, e.g., Exhibit A (setting forth dates of discharges).[28] Information available to Waterkeeper indicates that these violations

[24] The sample location for all samples labeled "Washington Blvd." is the A and A Facility driveway leading to East Washington Blvd.

[25] This table is referring to the dissolved form of these constituents, with the exception of mercury, which is referring to the total concentration.

[26] CTR criteria for this table are measured in units of µg/L. The CTR criteria for "priority toxic pollutants" are set forth in 40 C.F.R. § 131.38. These criteria are expressed as dissolved metal concentrations in the CTR, with the exception of mercury which is expressed as a total metal concentration. Certain pollutants, including copper, lead, zinc, and cadmium are water hardness dependent. The CTR criteria for each hardness dependent pollutant is based on a hardness of 80 mg/L for the Los Angeles River. *See Total Maximum Daily Loads for Metals, Los Angeles River and Tributaries*, Staff Report, California Regional Water Quality Control Board, Los Angeles Region, June 2, 2005, 27 (stating that the median hardness of the Los Angeles River is 80 mg/L based upon Los Angeles County Department of Public Works data from Wardlow Station from 1996 to 2002).

[27] Sample results for this table are measured in units of µg/L. Sample values represent dissolved metal concentrations, with the exception of mercury values which represent the total metal concentrations.

[28] Exhibit A sets forth the dates in which 0.1 inches or greater of rainfall was documented by the County of Los Angeles Department of Public Works (DPW) at DPW's rain gauge nearest to the A and A Facility. At a minimum, the A and A Facility Owners and/or Operators violated Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit on those dates. While 0.1 inches is considered by EPA and delegated state agencies as sufficient to produce a discharge, Waterkeeper puts the A and A Facility Owners and/or Operators

are ongoing and occur every time the A and A Facility Owners and/or Operators discharge storm water from the A and A Facility. Waterkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the A and A Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Each time discharges of storm water from the A and A Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act. The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

D. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan

Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the A and A Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9) and revised as necessary. *See* Storm Water Permit, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map showing storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a narrative description and summary of all potential pollutants and their sources including industrial processes, material handling and storage areas, and dust and particulate generating activities (*see* Section A(6)); and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

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on notice that they violate Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) every time they discharge storm water from the A and A Facility that contains pollutants in concentrations that exceed levels known to adversely impact human health or the environment and/or exceed an applicable WQS, regardless of whether the relevant storm event produces 0.1 inches or greater of rainfall. *See* 2014 IGP Fact Sheet, 50.

Information available to Waterkeeper indicates that the A and A Facility Owners and/or Operators began conducting industrial operations at the A and A Facility without developing a SWPPP, as required by the Storm Water Permit. In fact, in each Annual Report filed since the Facility began industrial operations, the A and A Facility Owners and/or Operators acknowledge that they have failed to comply with the Permit's requirements, including failing to develop a SWPPP. Further, the June 11, 2014 SWPPP is inadequate and thus the A and A Owners and/or Operators have continued to conduct operations at the A and A Facility without an adequately developed, implemented, and/or revised SWPPP. Therefore, the A and A Owners and/or Operators have been conducting and continue to conduct operations at the A and A Facility in violation of Section A(1) and Provision E(2) of the Storm Water Permit, since at least April 20, 2012.

In addition, the A and A Facility SWPPP fails to include an adequate site map that meets all of the requirements of Section A(4) of the Storm Water Permit. The site map provided in the A and A SWPPP does not include, among other requirements: an outline of all storm water drainage areas within the facility boundaries; the direction of flow of every drainage area; the location of storm water collection and conveyance systems, along with associated points of discharge; any structural control measures that affect storm water discharges; all areas of industrial activities, such as the separation and dismantling area; locations where materials are directly exposed to precipitation; nearby waterbodies; and municipal storm drain inlets where the facility's storm water discharges may be received. *See* Storm Water Permit, Section A(4).

Further, although many of the headings in the A and A SWPPP match the requirements of the Storm Water Permit, the SWPPP does not include the specific information required under each heading. For example, although the SWPPP includes a list of significant materials at the A and A Facility, the list does not include all significant materials handled or stored at the site, such as metal scraps, electronic waste, waste fluids, tires, vehicle components, and other materials. *See* A and A SWPPP, 8. The list also fails to provide the typical quantities of those materials, the frequency that they are received, and the locations where the material is being stored, received, shipped, and handled. *See id.*; *see also* Storm Water Permit, Section A(5). To further illustrate, the Pollution Prevention Team list does not identify the individuals responsible for sampling and visual monitoring. *See* A and A SWPPP, 3; *see also* Storm Water Permit, Section A(3)(a).

The A and A SWPPP also does not adequately describe the industrial activities, potential pollutant sources, and potential pollutants to the extent required by Sections A(6) and A(7) of the Storm Water Permit. The SWPPP does not include a narrative description and summary of all potential pollutants and their sources and does not assess all industrial activities and pollutant sources to identify which pollutants are likely to be present in storm water discharges. *See* Storm Water Permit, Sections A(6)(a), A(6)(b), and A(7)(a). To illustrate, while the A and A Facility handles, processes, and stores metal scraps; computer equipment; batteries, alternators, motors, catalytic converters, and radiators; and a variety of other materials, the SWPPP does not list the potential pollutants associated with those pollutant sources, including, but not limited to: oil and grease; gasoline, diesel, and other petroleum products; lubricants; coolants; battery acid; other hazardous waste fluids; metals such as aluminum, nickel, mercury, silver, chromium, and cadmium; substances affecting Biochemical Oxygen Demand and Chemical Oxygen Demand;

and pH-affecting substances. *See* A and A SWPPP, 6–7. Instead, the SWPPP merely states that the pollutants entering the yard are "diverse" and are "primarily" suspended solids, copper, lead, zinc, iron, and plastic materials or any combination of alloys. *See id.* That list is incomplete and does not identify the specific sources of each pollutant or the quantities of the materials handled and stored at the A and A Facility. Additionally, the SWPPP does not describe the type, characteristics, and quantity of significant materials used in the A and A Facility's industrial processes or provide a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to industrial processes. *See id.*; *see also* Storm Water Permit, Section 6(a)(i). For example, dismantling activities are conducted at the A and A Facility. *See* A and A SWPPP, 6, 15. However, the SWPPP does not include the quantity of materials processed, the method of addressing waste materials that result from the dismantling process, nor the characteristics of pollutants associated with those processes. *See id.*

Finally, the A and A Owners and/or Operators have not conducted an adequate assessment of potential pollutant sources, developed BMPs for each potential pollutant, or evaluated the effectiveness of each BMP. *See* Storm Water Permit, Section A(8). Instead, the A and A SWPPP merely states generalities. For instance, the SWPPP's "Description of Potential Pollutants" describes only the *primary* pollutants that potentially come into contact with storm water. *See* A and A SWPPP, 6–7. Further, under the SWPPP's "Individual BMPs to Control Pollutants" heading, the SWPPP fails to identify the specific pollutants in the Scrap Metal Pile, describes pollutants in the Miscellaneous Appliances Storage Area as "wiring, metallic or other parts that may have residual contaminants, and refers broadly to pollutants in the remaining areas as "metals" or "recycling materials." *See* A and A SWPPP, 12–16. Accordingly, the A and A Owners and/or Operators fall far short of providing the level of specificity required by Section A(8) of the Storm Water Permit. Additionally, the A and A Owners and/or Operators fail to include an adequate summary of all BMPs implemented for each pollutant source in a manner similar to the Storm Water Permit's Table B. *See* Storm Water Permit, Section A(6)(b).

Waterkeeper puts the A and A Facility Owners and/or Operators on notice that they violate Section A and Provision E(2) of the Storm Water Permit and the Clean Water Act every day that they operate the A and A Facility without an adequately developed, implemented, and/or revised SWPPP. The A and A Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least April 20, 2012. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

E. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water

Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Sections B(3) – B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges during the first hour of discharge of at least one storm event per month during October 1 – May 30 ("Wet Season") at each discharge point. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and B(4).

Sections B(5) and B(7) of the Storm Water Permit require discharges to collect storm water samples during the first hour of discharge from the first storm event of the Wet Season and at least one other storm event during the Wet Season. A sample must be collected from each discharge point at the facility. Storm water samples must be analyzed for TSS, pH, SC, and total organic carbon ("TOC") or O&G. Facilities classified as SIC code 5093, such as the A and A Facility, must also analyze their storm water samples for iron, lead, aluminum, zinc, copper, and COD. *See* Storm Water Permit, Section B(5)(c)(iii); Table D (Sector N). Additionally, because the A and A Facility conducts industrial activities classified as SIC code 4953, the A and A Facility Owners and/or Operators must also sample for ammonia, magnesium, arsenic, cadmium, cyanide, mercury, selenium, and silver. *See* Storm Water Permit, Section B(5)(c)(iii); Table D (Sector K). Further, facilities must also analyze their storm water samples for "toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." Storm Water Permit, Section B(5)(c)(ii). Pursuant to Section B(7)(a), facilities must visually observe and collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges.

Although the A and A Facility Owners and/or Operators sought Storm Water Permit coverage in April 2012, they did not conduct any quarterly visual monitoring, monthly wet season visual observation, or storm water discharge sampling during the 2011-2012, 2012-2013, or 2013-2014 reporting periods. Therefore, the A and A Owners and/or Operators have been in continuous violation of Sections B(3), (4), (5), and (7) of their Storm Water Permit since they first obtained coverage on April 20, 2012.

In fact, information available to Waterkeeper indicates that the A and A Facility Owners and/or Operators began conducting operations at the A and A Facility without a M&RP. Further, the June 11, 2014 M&RP is inadequately developed and implemented and thus the A and A Facility Owners and/or Operator have continued to operate without an adequately developed and implemented M&RP in violation of Storm Water Permit Section B(1)(a) and Provision E(3).

Accordingly, information available to Waterkeeper indicates that the A and A Facility Owners and/or Operators have continuously conducted operations in violation of Section B(1)(a) and Provision E(3) of their Storm Water Permit since April 20, 2012. To illustrate, the A and A Facility's SWPPP indicates that the A and A Facility Owners and/or Operators only intend to sample for TSS, pH, SC, O&G or TOC, zinc, lead, copper, and COD. *See* A and A SWPPP, 20. However, the Storm Water Permit also requires the A and A Facility Owners and/or Operators to sample for aluminum and iron because they conduct industrial activities classified under SIC code 5093 and ammonia, magnesium, arsenic, cadmium, cyanide, mercury, and selenium because they conduct activities classified under SIC code 4953. *See* Section B(5)(c)(iii); *see also* Table D. Further, the A and A SWPPP does not provide for sampling to identify any toxic chemicals or other pollutants that are likely to be present in storm water discharges in significant quantities. *See* Storm Water Permit, Section B(5)(c)(ii). Accordingly, at a minimum, the A & A Facility's M&RP is inadequately developed because it fails to account for sampling for the following constituents: aluminum, iron, ammonia, magnesium, arsenic, cadmium, cyanide, mercury, selenium, chromium, and any toxic chemicals or other pollutants likely to be present in significant quantities in the A and A Facility's storm water discharges. *See* Storm Water Permit Sections B(5)(c)(ii) and B(5)(c)(iii) and Table D.

Waterkeeper puts the A and A Facility Owners and/or Operators on notice that they violate Section B and Provision E(3) of the Storm Water Permit and the Clean Water Act every day that they conduct operations without an adequately developed, implemented, and/or revised M&RP. The A and A Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least April 20, 2012. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

F. Failure to Comply with the Storm Water Permit's Annual Comprehensive Site Compliance Evaluation Requirements

Section A(9) of the Storm Water Permit requires facility operators to conduct one comprehensive site compliance evaluation in each reporting period (July 1–June 30). Each evaluation must include a review of all visual observation records, inspection records, and sampling and analysis results as well as a visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system. Storm Water Permit, Section A(9). Additionally, as part of the Annual Comprehensive Site Compliance Evaluation, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *Id.*

Information available to Waterkeeper indicates that the A and A Facility Owners and/or Operators have continuously failed to conduct any Annual Comprehensive Site Compliance Evaluations that comply with Section A(9). In all three of the A and A Facility's Annual Reports since the Facility obtained coverage under the Storm Water Permit in April 20, 2012, the A and A Facility Owners and/or Operators stated that they did not conduct any of the minimum steps necessary to complete an Annual Comprehensive Site Compliance Evaluation. A and A

Facility's 2011-2012, 2012-2013, and 2013-2014 Annual Reports, Section H (ACSCE Checklist). Accordingly, the A and A Owners and/or Operators have continuously violated the Storm Water Permit's requirement to conduct an Annual Comprehensive Site Compliance Evaluation and as a result have failed to revise the A and A SWPPP and the A and A Facility's BMPs based on the results of an Annual Comprehensive Site Compliance Evaluation.

Waterkeeper puts the A and A Facility Owners and/or Operators on notice that they violate Section A(9) of the Storm Water Permit every day they operate the A and A Facility without having completed an Annual Comprehensive Site Compliance Evaluation. These violations are ongoing and will continue every day the A and A Facility Owners and/or Operators operate without completing the required Annual Comprehensive Site Compliance Evaluations in accordance with Section A(9).

Every day the A and A Facility Owners and/or Operators operate the A and A Facility without having completed the Annual Comprehensive Site Compliance Evaluations in accordance with Section A(9) is a separate and distinct violation of the Storm Water Permit. The A and A Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's Section A(9) requirements every day since at least April 20, 2012. The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

G. Failure to Comply with the Storm Water Permit's Reporting Requirements

Section B(14) of the Storm Water Permit requires permittees to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; 3) the Annual Comprehensive Site Compliance Evaluation Report; and 4) an explanation of why the facility did not implement any activities required by the Permit. Section B(14). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of their knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10).

Since first obtaining coverage under the Storm Water Permit on April 20, 2012, the A and A Owners and/or Operators have continuously failed to submit any Annual Reports that comply with the Storm Water Permit's reporting requirements by, at a minimum, failing to include Annual Comprehensive Site Compliance Evaluation Reports and monitoring results. Because the A and A Facility Owners and/or Operators have continuously failed to conduct any of the Storm Water Permit's required monitoring and reporting, they have also failed to comply with the Storm Water Permit's requirement that they submit an Annual Report with the results and an evaluation of visual observations and sampling. Storm Water Permit, Section B(14). Similarly, the A and A Owners and/or Operators have continuously failed to include an Annual Comprehensive Site Compliance Evaluation Report as required by the Storm Water Permit. *Id.*; *see also* Storm Water Permit, Section A(9).

Additionally, since obtaining coverage under the Storm Water Permit on April 20, 2012, the A and A Owners and/or Operators failed to timely submit two of the three required Annual Reports. In fact, the A and A Owners and/or Operators submitted to the Regional Board the 2011–2012 Annual Report on or about August 8, 2014, over two years after the July 1, 2012 date required by the Storm Water Permit, Section B(14). *See* A and A 2011–2012 Annual Report. Similarly, the A and A Owners and/or Operators submitted the 2012–2013 Annual Report on or about August 8, 2014, over one year after the after the July 1, 2012 date required by Section A(9). *See* A and A 2012–2013 Annual Report. The 2013-2014 Annual Report is incomplete and not in compliance with the reporting requirements.

Waterkeeper puts the A and A Facility Owners and/or Operators on notice that they violate Section B(14) of the Storm Water Permit every day they operate the A and A Facility without submitting annual reports that fully comply with the Storm Water Permit's requirements. These violations are ongoing and will continue every day the A and A Facility Owners and/or Operators operate without submitting Annual Reports in accordance with Section B(14).

Every day the A and A Facility Owners and/or Operators operate the A and A Facility without submitting annual reports that fully comply with the Storm Water Permit's Section B(14) requirements is a separate and distinct violation of the Storm Water Permit. The A and A Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least April 20, 2012. The A and A Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since April 20, 2012.

H. Relief and Penalties Sought for Violations of the Clean Water Act

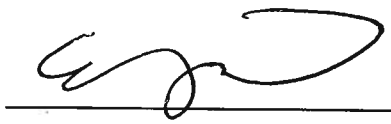
Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

III. Conclusion

Upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the A and A Facility Owners' and/or Operators' violations of the Storm Water Permit. During the 60-day notice period, however, Waterkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact Waterkeeper. Please direct all communications to Waterkeeper's legal counsel:

Tatiana Gaur
TGaur@lawaterkeeper.org
Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, Ca 90401

Sincerely,



Liz Crosson
Executive Director
Los Angeles Waterkeeper

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Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit A

Days With Significant Rain Events (Rain Fall Above .1 inches)
April 20 2012 - March 9 2015
(377 – LA Ducommun Street)

Date	Rainfall (in.)
4/25/2012	0.12
4/26/2012	0.27
10/11/2012	0.67
11/17/2012	0.43
11/29/2012	0.2
11/30/2012	0.39
12/2/2012	0.24
12/3/2012	0.35
12/18/2012	0.28
12/24/2012	0.39
12/26/2012	0.2
12/29/2012	0.39
1/24/2013	0.71
2/19/2013	0.12
3/8/2013	0.55
5/6/2013	0.43
11/21/2013	0.24
11/29/2013	0.19
2/27/2014	0.71

Date	Rainfall (in.)
2/28/2014	1.73
3/1/2014	0.83
3/2/2014	0.15
4/1/2014	0.16
11/1/2014	0.29
11/30/2014	0.29
12/2/2014	1.19
12/3/2014	0.38
12/12/2014	1.63
12/16/2014	0.28
12/17/2014	0.15
12/30/2014	0.19
1/10/2015	0.43
1/11/2015	0.29
1/26/2015	0.16
1/30/2015	0.2
2/22/2015	0.52
3/1/2015	0.48
3/2/2015	0.37